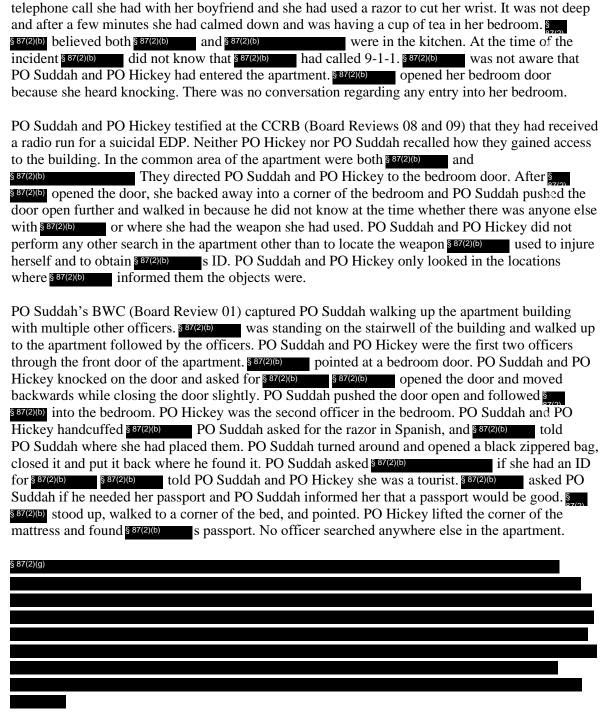
CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	V	Force	$\overline{\mathbf{V}}$	Discourt.	U.S.
Valentina Concha-Toro		Squad #15	201906504	Ø	Abuse		O.L.	☐ Injury
Incident Date(s)		Location of Incident:		P	recinct:	181	Mo. SOL	EO SOL
Friday, 07/19/2019 7:30 PM		§ 87(2)(b)			52	1/1	19/2021	9/5/2021
Date/Time CV Reported		CV Reported At:	How CV Reporte	d:	Date/Time	Recei	ved at CC	RB
Thu, 07/25/2019 10:08 AM		CCRB	Phone		Thu, 07/25	5/2019	10:08 AN	Л
Complainant/Victim	Туре	Home Addı	ress					
Witness(es)		Home Addı	ress					
Subject Officer(s)	Shield	TaxID	Command					
1. POM Nasser Suddah	07227	959276	052 PCT					
2. POM Kevin Hickey	17829	958695	052 PCT					
Witness Officer(s)	Shield No	Tax No	Cmd Name					
1. POM Tyler Hanson	17921	966611	052 PCT					
2. POM Salvator Maida	03768	942104	052 PCT					
3. POM Kacper Boho	14346	957396	052 PCT					
4. POM Taha Mandourelidrissi	07486	961541	052 PCT					
Officer(s)	Allegation	n			Inve	estigat	tor Recor	nmendation
A.POM Kevin Hickey	Abuse: Po	olice Officer Kevin Hi	ckey entered § 87(2)(b)					
B.POM Nasser Suddah	Abuse: Po	olice Officer Nasser S	uddah entered \$ 87(2)					
C.POM Kevin Hickey	Abuse: Po	olice Officer Kevin Hi	ckey searched (8 87(2)					
D.POM Nasser Suddah	Abuse: Po	olice Officer Nasser S	uddah searched \$ 87(2)				
E.POM Kevin Hickey		sy: Police Officer Kev ously toward § 87(2)(b)	vin Hickey acted					
F.POM Nasser Suddah		sy: Police Officer Nas ously toward § 87(2)(b)	sser Suddah acted					
G.POM Nasser Suddah	Force: Poagainst § 8	lice Officer Nasser Su 7(2)(b)	ıddah used physical	force				
H.POM Kevin Hickey	Force: Poagainst § 8	lice Officer Kevin Hid 7(2)(b)	ckey used physical f	orce				
I.POM Kevin Hickey		olice Officer Kevin Hi interpretation services		1				
J.POM Nasser Suddah		olice Officer Nasser St interpretation services		in				
K.POM Nasser Suddah	Abuse: Po	to the hospital.	uddah forcibly remo	ved				

Officer(s)	Allegation	Investigator Recommendation
L.POM Kevin Hickey	Abuse: Police Officer Kevin Hickey forcibly removed to the hospital.	

Case Summary

On July 25, 2019, §87(2)(b) submitted this complaint with the CCRB over the telephone. At approximately 7:30 p.m. on July 19, 2019, in § 87(2)(b) in the Bronx, § 87(2)(b) was in the apartment with her sister, § 87(2)(b) aunt. § 87(2)(b) None of the individuals in the apartment spoke English. had been previously diagnosed with borderline personality disorder and she had not been taking her medication. § 87(2)(b) who was wearing a night gown, cut her wrist with a razor. called 9-1-1. PO Kevin Hickey and PO Nasser Suddah of the 52nd Precinct responded to the 9-1-1 call and entered the apartment (Allegations A and B: Abuse of Authority – Entry, PO Suddah and PO Hickey entered \$87(2)(6) s bedroom and searched for her ID and razor (Allegations C and D: Abuse of Authority – Search, \$87(2)(9) PO Suddah and PO Hickey if she could change clothes but her request was denied (Allegations E and F: Discourtesy – Action, \$37(2)(9) PO Suddah and PO Hickey pulled \$37(2)(6) out of the apartment (Allegations G and H: Force – Pushed/Shoved, \$37(2)(9) stood in the building's hallway and PO Hickey and PO Suddah asked multiple passing residents whether they were able to translate but were unsuccessful (Allegations I and J: Abuse of Authority – Language Interpretation, § 87(2)(g) PO Hickey and PO Suddah walked § 87(2)(b) front of the building and \$87(2)(b) asked for other clothing. PO Hickey and PO Suddah told to go upstairs and obtain clothing for \$87(2)(b) was provided clothes. Outside of the building, \$87(2)(b) asked PO Hickey and PO Suddah if she could put the shirt on correctly and both PO Hickey and PO Suddah denied her request (Subsumed in Allegations E and F). EMS arrived and §87(2)(b) was taken to §87(2)(b) (Allegations K and L: Abuse of Authority – Removal to Hospital, § 87(2)(9) Five BWC videos were obtained by the investigation (Board Reviews 01-05). Allegation (A) Abuse of Authority: Police Officer Kevin Hickey entered § 87(2)(b) Allegation (B) Abuse of Authority: Police Officer Nasser Suddah entered §87(2)(b) Allegation (C) Abuse of Authority: Police Officer Kevin Hickey searched 887(2)(b) Allegation (D) Abuse of Authority: Police Officer Nasser Suddah searched 507(2)(5) It is undisputed that § 87(2)(b) and § 87(2)(b) were the only individuals in the apartment. §87(2)(b) had cut her wrist with a razor and §87(2)(b) had called 9-1-1. The EVENTs (Board Review 06) noted that \$87(2)(b) informed the operator that \$87(2)(b) attempted suicide with an unknown weapon and that \$87(2)(b) had a personality disorder. PO Suddah entered \$87(2)(6) s bedroom first, followed by PO Hickey and then the other responding officers. PO Suddah and PO Hickey handcuffed \$37(2)(b) sat on the bed and PO Suddah asked her where she had placed the razor she used to cut her arm. [587(2)(b) PO Suddah where the razor was and PO Suddah searched on the shelf and in the zipper razor bag had told him. [87(2)(6) told PO Suddah and PO Hickey that she had a passport and told PO Suddah and PO Hickey where she stored it. PO Hickey looked under the bed where [397(2)] had told him. during her CCRB statement (Board Review 07) stated that she was upset due to a

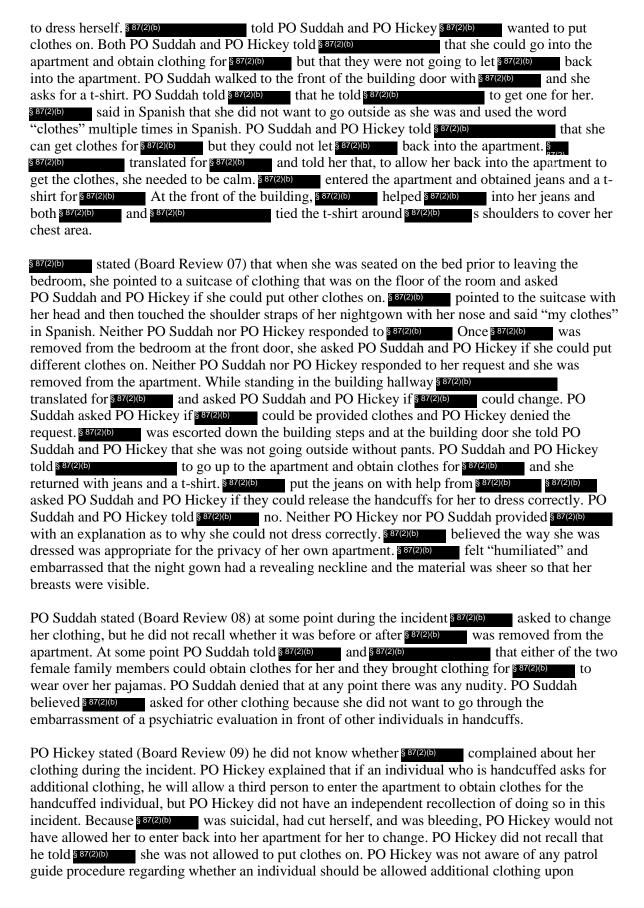


According to People v. Rodriguez, 77 A.D.3d 280 (2d Dept. 2010), (Board Review 10) it is permissible for an officer to enter into a residence without a warrant or without consent due to the emergency doctrine if the following two circumstances are met. First, the officer must have reasonable grounds to believe that there is an emergency at hand and an immediate need for assistance in the protection of life or property. Second, there must be some reasonable basis, approximating probable cause, to associate the emergency with the area or place to be searched.

According to People v. Santornino, 153 A.D.2d 595 (2d Dept. 1989), (Board Review 18) consent

can be established by conduct as well as words.

§ 87(2)(g)
The BWC captured the two instances during which PO Suddah and PO Hickey performed searches in the bedroom. The first search was performed by PO Suddah for the razor \$87(2)(0) used to injure herself. PO Suddah asked \$87(2)(0) where the razor was, and \$87(2)(0) gestured to an area behind PO Suddah. PO Suddah searched and opened only the zipper case which \$87(2)(0) gestured to. PO Suddah did not search anywhere else. \$87(2)(0)
The second search performed by PO Hickey was for \$87(2)(0) s passport. When PO Suddah asked for a form of ID, \$87(2)(0) informed him and PO Hickey that she had a passport. PO Suddah asked where it was and \$87(2)(0) stood up from the bed and walked to where her passport was stored. \$87(2)(0) told PO Hickey that the passport was underneath the mattress. PO Hickey only searched the area where \$87(2)(0) informed him her passport was.
§ 87(2)(g)
§ 87(2)(g)
Allegation (E) Discourtesy: Police Officer Kevin Hickey acted discourteously toward §87(2)(b)
Allegation (F) Abuse of Authority: Police Officer Nasser Suddah acted discourteously toward
§ 87(2)(b)
It is undisputed that neither PO Suddah nor PO Hickey spoke Spanish. 887(2)(6) was wearing a nightgown when she was removed from her apartment and when made to stand in the building
hallway. § 87(2)(b) and § 87(2)(b) brought § 87(2)(b) clothing, but not until §
was at the building front door.
PO Suddah's BWC (Board Review 01) captured \$87(2)(b) PO Hickey and PO Suddah inside of was wearing a white lace nightgown with thin shoulder straps.
told PO Hickey and PO Suddah she needed her cellphone multiple times in the bedroom and \$87(2)(b) that she would bring it to the hospital for her. Outside of hor hadroom door \$87(2)(b) and in Spenish. "Put let me according to the hor writes have
her bedroom door \$37(2)(b) said in Spanish, "But let me cover myself," and that her wrists hurt.
PO Suddah and PO Hickey removed \$87(2)(b) from the apartment and stood beside the staircase.
grabbed the side of her nightgown and pulled on it. \$87(2)(b) exited the apartment and \$87(2)(b) asked her in Spanish to inform PO Hickey and PO Suddah that she wants



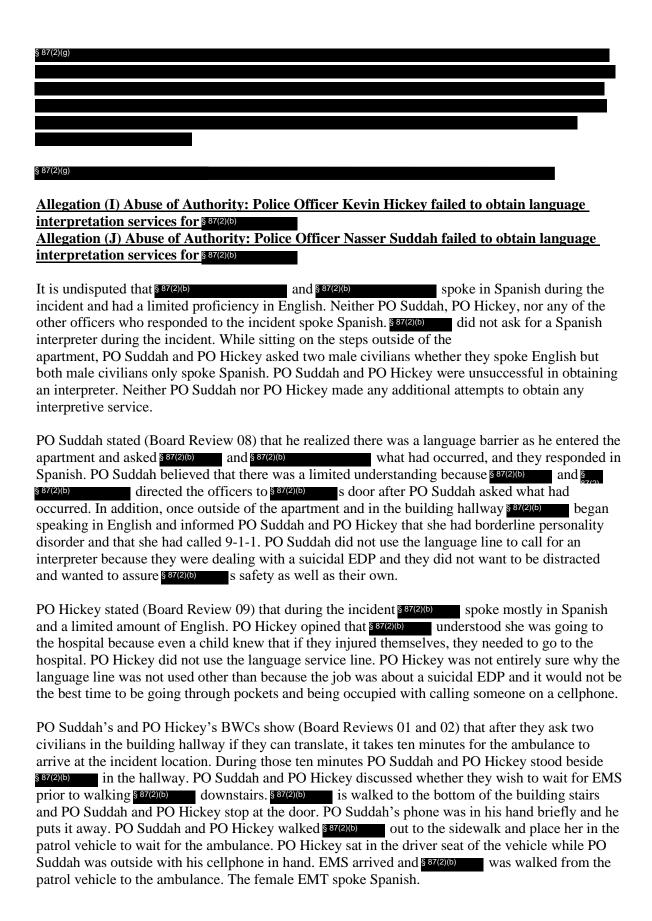
request. PO Hickey did not recall \$87(2)(b) s breast being exposed at any moment during the incident. PO Hickey did not recall that \$87(2)(b) s clothing did not adequately cover her breasts.
§ 87(2)(g)
According to NYPD Patrol Guide Procedure 200-02 (Board Review 11) NYPD employees are to maintain a higher standard of integrity than is generally expected of others in their mission of protecting lives through impartial enforcement of the law and through valuing human life and the dignity of every person.
§ 87(2)(g)
§ 87(2)(g)
Allegation (G) Force: Police Officer Nasser Suddah used physical force against \$87(2)(5)
Allegation (H) Force: Police Officer Kevin Hickey used physical force against Allegation (L) Abuse of Authority: Police Officer Nasser Suddah forcibly removed S87(2)(b)
to the hospital. Allegation (M) Abuse of Authority: Police Officer Kevin Hickey forcibly removed to the hospital.
It is undisputed that \$87(2)(b) called 9-1-1 (Board Review 06) and informed the operator \$87(2)(b) had attempted suicide in addition to having a diagnosed personality disorder. \$87(2)(b) had used a razor to cut her arm. An ambulance was dispatched to the location. Upon entering the apartment PO Suddah and PO Hickey placed \$87(2)(b) in handcuffs. PO Suddah and PO Hickey removed \$87(2)(b) from her bedroom and exited the apartment. An ambulance removed \$87(2)(b) to \$87(2)(b) . \$87(2)(b)
stated (Board Review 07) that she had been diagnosed with Borderline Personality Disorder and had not taken her medication for a month. \$87(2)(b) used a razor and cut her forearm because she was upset after a dispute with her boyfriend over the telephone. \$87(2)(b) did not intend to commit suicide and the injury was only on the surface of her skin. \$87(2)(b) had calmed down and was drinking a cup of tea when PO Suddah and PO Hickey entered her bedroom and placed her in handcuffs \$87(2)(b) and sat on her bed and both PO Suddah and PO Hickey graphed her

arms and lifted her off of the bed. § 37(2)(b) was standing on her feet and both PO Suddah and PO Hickey pulled her out of the bedroom by her arms. PO Hickey stated (Board Review 09) that he told \$67(2)(b) multiple times that she needed to go to the hospital and explained to her that she had cut herself, but \$87(2)(5) repeatedly asked why she needed to go. PO Hickey grabbed onto one of \$37(2)(b) s arms and pulled her arm. \$37(2)(b) became upset and began yelling no. §87(2)(b) pulled against PO Hickey and PO Hickey pulled out of the bedroom. PO Hickey did not recall any other officer assisting him with removing \$87(2)(b) PO Hickey denied that at any point he picked \$87(2)(b) up by the arm. PO Hickey denied that at any point he dragged \$87(2)(b) and that \$87(2)(b) remained on her feet the entire time. PO Suddah stated (Board Review 08) that he and PO Hickey told \$37(2)(5) that she needed to go the hospital. \$87(2)(b) began physically resisting and PO Suddah was concerned that \$87(2)(b) could hit her head. PO Hickey and PO Suddah each grabbed onto \$87(2)(b) seeds elbows and pulled out of the apartment. At no point during the incident did PO Suddah or any officer lift by her arms. PO Suddah denied he or any other officer used any physical force with § 87(2)(b) PO Suddah's BWC (Board Review 01) captures PO Hickey telling \$87(2)(b) she needed to go to the hospital. § 87(2)(b) asked why and PO Hickey explained it was because she was cutting herself. told PO Hickey no, and that she needed her cellphone. PO Hickey placed his hand on s right elbow and pulled her toward the door. \$87(2)(b) pulled against PO Hickey and PO Hickey told her that she needed to go to the hospital. PO Suddah grabbed ahold of \$87(2)(b) opposite arm and pushed her along with PO Hickey. \$87(2)(b) stated multiple times that she needed her cellphone. PO Hickey and PO Suddah remove §87(2)(b) out of the apartment. According to NYPD Patrol Guide Procedure 221-13 (Board Review 12) members of service are to

According to NYPD Patrol Guide Procedure 221-13 (Board Review 12) members of service are to take into protective custody and remove to the hospital any individual who "appears to be mentally ill or temporarily deranged," and who "is conducting [herself] in a manner which a police officer reasonably believes is likely to result in serious injury to [herself] or others."

According to NYPD Patrol Guide Procedure 221-01 and 221-02 (Board Review 13) an officer may use force "when reasonable to ensure the safety of a member or the service or third person, or otherwise protect life." Force may be used when a member of the service must gain compliance, control or custody of an uncooperative subject and when complying with NYPD Patrol Guide Procedure 221-13.

§ 87(2)(g)



§ 87(2)(g)			
0 - (7(0)			
Limited English bilingual mem cellular phone requires langua	sh Proficient Person, no bili ber of the public is available to access Language Line S	n 212-09 (Board Review 14) whingual member-of-service is availe as a translator, an officer shown ervices. If doubt exists regarding person should be considered a should be obtained.	ailable to translate, and no ald utilize a Department ag whether a person
§ 87(2)(g)			
§ 87(2)(g)			
	Civilian an	d Officer CCRB Histories	
	<u>Civilian an</u>	d Officer CCRD Histories	
• This is 15).	the first CCRB complaint	to which § 87(2)(b) has been a	party (Board Review
,	ddah has been a member-o	f-service for five years and this	is his first CCRB
• PO Hi	•	E-service for five years and had o	one prior CCRB
allegat	tion in one case, none of wh	nich were substantiated. § 87(2)(g)	
	Madiation	Civil and Criminal Historia	•
	Mediation	, Civil and Criminal Histories	<u>2</u>
§ 87(2)(b)	declined to mediate th	is complaint.	
	•	v York City Office of the Compgards this to complaint (Board F	
Squad No. 15			
24000 110. 13			
Investigator:	Valentina Concha-Toro Signature	Inv. Valentina Concha-Toro Print Title & Name	December 28, 2020 Date
Squad Leader:	Simon Wang	IM Simon Wang	12/282020

	Signature	Print Title & Name	Date
Reviewer:			
· ·· ·	Signature	Print Title & Name	Date